

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

KATHRYN FORTUNATO,	)	CASE NO. 1:15-cv-1940 PAG
	)	
Plaintiff,	)	JUDGE PATRICIA A. GAUGHAN
	)	
vs.	)	
	)	
UNIVERSITY HOSPITALS PHYSICIAN	)	
SERVICES, INC.,	)	
	)	
Defendant.	)	

**AFFIDAVIT OF DAVID A. CAMPBELL**

STATE OF OHIO

ss

COUNTY OF CUYAHOGA

I, David A. Campbell, being first duly sworn on oath, am over the age of eighteen years old, and state that the following are true and correct statements based upon my personal knowledge:

1. I am a partner with Vorys, Sater, Seymour and Pease LLP. I am the lead attorney in the captioned-matter.
2. This law firm represents Defendant University Hospitals Physician Services, Inc. ("Defendant" or "UHPS") in discrete matters when retained by UHPS or related entities.
3. This law firm does not represent UHPS or related entities in a matter unless and until we are retained for that matter – we are not general employment counsel for UHPS or its related entities.
4. The Marsha Kelly lawsuit referenced in the deposition of Plaintiff Kathryn Fortunato ("Plaintiff") was handled by this law firm.


5. The Kelly lawsuit was dismissed on March 20, 2014. Our retention in that matter concluded at that time.

6. The captioned-lawsuit was not filed until August 20, 2015. This law firm was not retained as counsel for Plaintiff's employment matters until the lawsuit was filed.


7. Plaintiff's employment with UHPS ended on October 29, 2014. She alleges in her deposition that she spoke with Bart Bixenstine, a retired Vorys partner, a couple of months before her discharge.

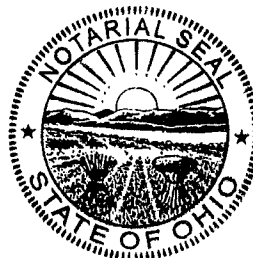
8. At the time of the alleged conversation, the Vorys law firm was no longer representing UHPS or related entities in the Kelly lawsuit and was not yet retained in the Fortunato lawsuit. Accordingly, as Plaintiff alleges, Mr. Bixenstine directed Plaintiff to contact UHPS' in house legal counsel, Marcie Manson.

9. The above is true and correct and I can testify to these facts if necessary.

  
David A. Campbell

Sworn to and subscribed before me, a Notary Public, this 21<sup>st</sup> day of September, 2016.

  
Notary Public



BRIDGET ANN TULETA  
Notary Public, State of Ohio  
My Commission Expires June 5, 2018  
Recorded In Cuyahoga County